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FILED
DISTRICT COURT OF GUAM
FEB 26 2003

MARY L. M. MORAN
CLERK OF COURT

5

Attorneys for Plaintiff

IN THE DISTRICT COURT OF GUAM

7 **ROLANDO A. DAYDAY**

CIVIL CASE NO. CIV02-00038

8 Plaintiff,

9 vs.

SCHEDULING ORDER

10 **UNITED STATES OF AMERICA**

11 Defendant.

12
13
14 Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil
15 Procedure, and Local Rule 16.1 for the District Court of Guam, the
16 parties submit the following Scheduling Order. Certain dates set
17 forth below and in the Discovery Plan diverge from guidelines set
18 forth in the local and federal rules because, due to the fact that
19 FRCP 12(a)(3)(A) gives defendant United States of America sixty
20 days after service to file its answer, certain deadlines set forth
21 in the rules could be reached on or before the date that
22 defendants' answer is due.
23

24
25 1. The nature of the case is as follows: This is a Federal
26 Tort Claim action. Plaintiff seeks damages, alleging that he
27 sustained personal injuries in a traffic accident.
28

5 2. The posture of the case is as follows:

6 a. The following motions are on file: None.

7
8 b. The following motions have been resolved: None.

9
10 c. The following discovery has been initiated: No
11 formal discovery has been initiated yet.
12

13 3. All motions to add parties and claims shall be filed on
14 or before: May 2, 2003.
15

16 4. All motions to amend pleadings shall be filed on or
17 before: July 2, 2003.
18

19 5. Status of Discovery: The Discovery Plan attached hereto
20 is adopted and incorporated as part of this Scheduling Order.
21 Discovery has not yet commenced. The parties anticipate discovery
22 in accordance with the discovery plan.
23

24 6. The parties shall appear before the District Court on
25 March 15, 2003 at 3:15 p.m. for the Scheduling Conference.
26

27 7. The discovery cut-off date (defined as the last day to
28 file responses to discovery) is: September 5, 2003.

5 8. a) The anticipated discovery motions are: None at this
6 time.

7
8 All discovery motions shall be filed on or before
9 September 12, 2003 and heard on or before October 10, 2003.

10
11 b. The anticipated dispositive motions are: None at
12 this time.

13
14 All dispositive motions shall be filed on or before
15 September 12, 2003 and heard on or before October 10, 2003.

16
17 9. The prospects of settlement are: Unknown at this time.

18
19 9.1. Trial briefs shall be filed on or before October 17,
20 2003.

21
22 10. The Preliminary Pretrial Conference shall be held on
23 October 27, 2003 at 3:00 p.m. [time to be set by the Court].

24
25 11. The parties' discovery material designations, witness
26 lists, and exhibit lists shall be filed on or before November 3,
27 2003.

1 PROPOSED SCHEDULING ORDER
2 Dayday v. U.S.A.
3 Civil Case No. CIV02-0038
4 Page 4

5 12. The Proposed Pretrial Order shall be filed on or before
6 the 27th day of October, 2003.

7
8 13. The Final Pretrial Conference shall be held on the 10th
9 day of November, 2003 at 3:00 p.m. [time to be set by the
10 Court]. All materials required or allowed by LR 16.7(f) and LR
11 16.7(g) shall be filed on or before November 10, 2003.

12
13 14. The trial shall be held on the 17th day of November, 2003
14 at 9:30 a.m..

15
16 15. The trial is a non-jury trial.

17
18 16. It is anticipated that it will take 4 days to try this
19 case.

20
21 17. The names of counsel in this case are: Robert L. Keogh of
22 Keogh and Forman for plaintiff; and Assistant U.S. Attorney Mikel
23 W. Schwab for defendant United States.

24
25 18. The parties wish to submit this case to a settlement
26 conference in the summer of 2003 after initial discovery is
27 completed.

1 PROPOSED SCHEDULING ORDER
2 Dayday v. U.S.A.
3 Civil Case No. CIV02-0038
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5 19. The parties present the following suggestions for
6 shortening trial: None at this time. It is expected that
7 stipulations will be reached that will shorten trial.

8
9 20. The following issues will also affect the status or
10 management of the case: The parties may retain off-island expert
11 witnesses.

12
13 DATE: _____

FEB 25 2003

14 
15 JOHN S. UNPINGCO
16 Chief District Judge

17 APPROVED AS TO FORM AND CONTENT:

18 LAW OFFICE OF KEOGH AND FORMAN
19 Attorneys for Plaintiff

20 By: _____

21 ROBERT L. KEOGH

22 Date: _____

2/14/03

23 FREDERICK A. BLACK
24 United States Attorney
25 District of Guam & CNMI

26 By: _____

27 MIKEL W. SCHWAB
28 Assistant U.S. Attorney

Date: _____

2/14/03

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FEB 14 2003

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HAGATNA, GUAM

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5 IN THE DISTRICT COURT OF GUAM

6
7 **ROLANDO A. DAYDAY**

CIVIL CASE NO. CIV02-00038

8 Plaintiff,

9 vs.

PROPOSED DISCOVERY PLAN

10 **UNITED STATES OF AMERICA**

11 Defendant.
12
13

14 Pursuant to FRCP 26(f) and LR 16.1, the parties submit the
15 following proposed discovery plan.
16

17 1. The FRCP 26(f) conference shall take place within 15 days
18 after defendant files its answer.
19

20 2. FRCP 26(a)(1) disclosures shall be made on or before
21 March 20, 2003.
22

23 3. Initial FRCP 26(a)(2) disclosures of expert witnesses
24 shall be made on or before June 20, 2003.
25

26 4. FRCP 26(a)(2) rebuttal disclosures shall be made on or
27 before July 22, 2003.
28

5 5. FRCP 26(a)(3)(A), (B) and (C) disclosures shall be made on
6 or before October 17, 2003.

7
8 6. FRCP 26(a)(3) objections shall be filed and served on or
9 before November 3, 2003.

10
11 7. It is difficult for the parties to set forth a precise
12 schedule for discovery at this early stage. It is tentatively
13 planned that discovery will be conducted in three places, as
14 follows:

15
16 (a) Written discovery (interrogatories, requests for
17 production, requests for admission) to be completed by
18 early June 2003. Additional written discovery may be
19 conducted if the need becomes apparent during the course
20 of discovery.

21 (b) Depositions of witnesses located on Guam in June and July
22 of 2003. It is anticipated that these witnesses will
23 include treating health care providers, plaintiff, and
24 any eyewitnesses to the accident (including defendant's
25 employee who was involved in the accident.) Local
26 witnesses may be deposed at other times if summer travel
27 plans cause scheduling problems, or if counsel are
28 prepared for such depositions before June 2003.

5 (c) Depositions of off-island witnesses in July and August of
6 2003. It is anticipated that these witnesses will
7 include defendant's medical experts, possibly accident
8 reconstruction experts, and any fact witness who has left
9 Guam. These depositions may be held early if this would
10 accommodate travel schedules.

11
12 LAW OFFICE OF KEOGH AND FORMAN
13 Attorneys for Plaintiff

14
15 By: _____

16 ROBERT L. KEOGH

17 Date: _____

18 2/14/03

19
20 FREDERICK A. BLACK
21 United States Attorney
22 District of Guam and CNMI

23 By: _____

24 MIKEL W. SCHWAB
25 Assistant U.S. Attorney

26 Date: _____

27 2/14/03